

REMARKS

Reconsideration and reexamination of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-53 were pending herein. Applicant has cancelled claims 1-2, 4-9, 16-17, and 48-50, and amended claims 3, 10-15, 26, 36, 44, and 51 to more clearly recite the features of the present invention. Applicant also has added new claims 54-61. After the entry of these amendments, claims 3, 10-15, 18-47, and 51-61 will be pending, of which claims 15, 26, 40, 42, 44, and 51 are independent.

In the Office Action mailed April 21, 2003, claims 26-30, 44, 48, and 51 were rejected under 35 U.S.C. 102(b) as being anticipated by Vass ("Going2 the wireless world – Wireless Web, road navigation technologies converge to get you where you need to be." PC Week, 68, March 20, 2000) ("Vass"). Claims 1-25, 31-43, 45-47, 49-50, and 52-53 were rejected under 103(a) as being obvious over Vass. To the extent these rejections might be applied to the currently pending claims, Applicant respectfully traverses the rejections as follows.

Rejection of Claims 26-30, 44, 48, and 51 under 35 U.S.C. 102(b)

Applicant has amended independent claims 26, 44 and 51 to emphasize elements that Vaas does not teach or suggest.

Amended claim 26 recites a method for providing location-base yellow pages database, comprising at least the steps of receiving user measured location information that is determined using information obtained from a telecommunication system without user intervention. The method of claim 26 also comprises organizing a listing of the selected one or more advertiser

entries based at least in part on the user measured location information and the advertiser measured location information.

Amended claim 44 recites a system comprising means for receiving user measured location information that is determined using information obtained from a telecommunication system without user intervention. In addition, amended claim 44 comprises means for storing advertiser identifiers in at least each advertiser entry of a third subset of the plurality of advertiser entries, wherein the advertiser identifiers in the third subset lacks advertiser measured location information, and means for organizing a listing of the selected one or more advertiser entries based at least in part on the user measured location information and the advertiser measured location information.

Moreover, amended claim 51 recites a computer-readable medium which, among other things, stores advertiser identifiers in at least each advertiser entry of a third subset of the plurality of advertiser entries, wherein the advertiser identifiers in the third subset lacks advertiser measured location information, receive user measured location information that is determined by information obtained from a telecommunications system without user intervention; and organizing a listing of the selected one or more advertiser entries based at least in part on the user measured location information and the advertiser measured location information.

Vass describes a wireless locator site that helps travelers find products and services while they are on the road. According to Vass, a consumer must enter his or her location via a street address that gets translated into an eight-digit number that's shorthand for latitude/longitude coordinates. The consumer then inputs the service he or she is seeking by typing in either a

generic category or a brand-specific site. The wireless locator site then identifies the nearest outlets. In addition, the system according to Vass delivers driving instructions and phone numbers to the consumer.

Vass, however, fails to teach or to suggest a method or system that receives user measured location information that is determined from information obtained from a telecommunications system without user intervention. As noted above, Vass requires that the user input his or her location information. In contrast, as described, for example, in Paragraphs [0039] of the present application, one embodiment of the present invention automatically determines a user's location via, for example, server 270 and wireless communication device position determining system 252, without requiring the user to input his or her location (i.e., user intervention).

Vass also fails to teach or suggest organizing a listing of the selected one or more advertiser entries based at least in part on the user measured location information and the advertiser measured location information, as recited in claims 26, 44 and 51, and storing advertiser identifiers in at least each advertiser entry of a third subset of the plurality of advertiser entries, wherein the advertiser identifiers in the third subset lacks advertiser measured location information, as recited in claims 44 and 51.

Accordingly, the rejection of claims 26-30, 44, and 51 under 35 U.S.C. 102(b) as being anticipated by Vaas should be withdrawn because Vass fails to disclose all of the elements recited in amended independent claims 26, 44 and 51.

Furthermore, Applicant respectfully submits that the rejection of claim 48 under 35 U.S.C. 102(b) is moot since claim 48 has been canceled.

Rejection of Claims 1-25, 31-43, 45-47, 49-50, and 52-53 under 35 U.S.C. 103(a)

Claims 1-2, 4-9, 16-17, and 48-50 have been cancelled. Accordingly, the rejection thereof under 35 U.S.C. 103(b) is moot.

Amended independent claim 15 recites a processor that is configured to receive user measured location information that is determined using information obtained from a telecommunication system without user intervention. The processor of claim 15 is also configured to select one or more advertiser entries of at least one of the first subset and the second subset of the plurality of advertiser entries from the yellow pages database based at least in part on the user advertiser category identifier, organize a listing of the selected one or more advertiser entries based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries, and present the selected one or more advertiser entries based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries.

As described above, in Vass, user is required to input his or her location information and thus Vass fails to teach or suggest a processor that receives user measured location information that is determined by information obtained from a telecommunication system without user intervention, as recited in amended 15. Furthermore, as admitted in the Office Action, Vass fails to teach or suggest selecting one or more advertiser entries from at least one of the first subset and the second subset of the plurality of advertiser entries, and organizes a listing of the selected one or more advertiser entries based at least in part on the user measured location information

and the advertiser measured location information of the selected one or more advertiser entries, as recited in amended claim 15.

Vass also fails to teach or suggest a method that charges the advertisers corresponding to the first set of advertiser entries a fee to include advertiser measured location information in the yellow page database, as recited in Applicant's claim 40, and a method that charges a first advertiser an additional fee based at least on including measured location information as part of the first advertiser's information, as recited in Applicant's claim 42.

To establish a *prima facie* case of obviousness, the prior art relied upon must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. Beyond looking to the prior art to determine if it suggests doing what an invention has done, one must also consider if the art provides the required expectation of succeeding in that endeavor. In other words, both the suggestion and the expectation of success must be found in the prior art, not in applicant's disclosure. *In re Dow Chen.*, 837 F. 2d 469, 473, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988). In Vass, there is absolutely no mention of charging a fee to advertisers as recited in claims 40 and 42, nor of a server receiving user measured location information that is determined by information obtained from a telecommunications system without user intervention, as recited in claim 15. Accordingly, it would not have been obvious, based on Vass, for one skilled in the art at the time when the invention was made to have modified Vass to achieve the present invention, as recited in claims 15, 40 and 42.

Accordingly, Applicant respectfully submits that independent claims 15, 40 and 42 should be patentable under 35 U.S.C. 103(a) over Vass. Dependent claims 3, 10-14, 18-25, 41, and 43 are also patentable at least due to their dependencies from patentable independent claims.

Based on the reasons mentioned above, Applicant further respectfully submits that independent claims 26, 44 and 51 are patentable over Vass. Dependent claims 27-39, 45-47, and 52-53 are also patentable at least due to their dependencies from patentable independent claims.

Furthermore, Applicant respectfully submits that newly added dependent claims 54-61 are considered patentable at least due to their dependencies from patentable independent claims.

In view of the foregoing, all of the claims in the present application are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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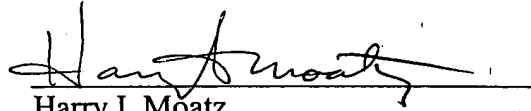
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Expires: December 4, 2003



Harry I. Moatz
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